

Notice of Allowability

Application No.

10/533,363

Applicant(s)

PAUSE, BARBARA

Examiner

Matthew D. Matzek

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 4/29/2005.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 4/29/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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Drawings

1. The drawings submitted 4/29/2005 have been accepted by Examiner.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Barbara Pause on 3/14/2007.

The application has been amended as follows:

, last line
Claim 1 - remove the word "liquid".

Allowable Subject Matter

4. Claims 1-10 are allowed.
5. The following is an examiner's statement of reasons for allowance: the prior art fails to teach a vinyl covered facing layer adjacent an acrylic layer comprising phase change materials (PCMs) adjacent a rear layer of ceramic.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Worley et al. US 2003/0054141 A1, listed on the International Search Report as a Y reference, teaches a coated article having enhanced reversible thermal properties. The coated article may be a building material (abstract). A PCM coating may be located on either side of a given substrate [0017]. The substrate may be paper or a fabric [0016]. The Worley et al. reference fails to anticipate or render obvious the instantly claimed article because it does not teach or suggest that the substrate should be further coated with a vinyl layer or that a ceramic layer should be added to the PCM/substrate material.
- b. Alderman US 5,626,936 teaches an insulation system for use in ceilings and walls comprising first and second insulative layers with an intermediate layer of PCMs (abstract). The insulative layers may be made of either foamed materials or fibrous mats (claim 2). The Alderman reference fails to anticipate or render obvious the instantly claimed article because it does not teach or suggest that the outwardly facing layer may be either paper or a fabric with a vinyl-facing layer or that the PCM should be in an acrylic layer.
- c. Lussi et al. US 5,260,118 teach a decorative, inlaid sheet material comprising a vinyl layer overlaying a nonwoven glass fiber web (col. 3, lines 16-20). The Lussi et al. reference fails to anticipate or render obvious the instantly claimed article because it does not teach or suggest backing the decorative article with a PCM layer and ceramic layer.
- d. Pause US 6,230,444 B1 teaches a building conditioning technique using PCMs. The technique comprises incorporating PCMs into a panel system and then overlaying the panel system with lattice (col. 3, lines 60-65). Metal lattices are

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preferred (col. 3, lines 63-67). The floor or ceiling surfaces may also be covered with the PCMs (col. 5, lines 1-8). The Pause reference fails to anticipate or render obvious the instantly claimed article because it does not teach or suggest a vinyl-facing layer backed with PCM or a ceramic layer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is (571) 272-2423. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mdm *mdm*

TERREL MORRIS
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